

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL HILL and KAREN  
PITTMAN,

Plaintiffs,

-v-

JAMES PAYNE, C. WILSON,  
*Correction Sergeant*, S. LATONA,  
JAMES R. VOUTOUR, KEVIN PAYNE,  
*Chief Jail Administrator*, and THOMAS  
LOUGHREN,

Defendants.

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**DECISION AND ORDER**

18-CV-6022 EAW

Plaintiff Michael Hill (“Hill”), a prisoner currently incarcerated at the Upstate Correctional Facility, who was a pretrial detainee at the Niagara County Jail at the time of the events at issue in this action, and plaintiff Karen Pittman (“Pittman”), Hill’s fiancée (collectively “Plaintiffs”), filed this *pro se* action under 42 U.S.C. § 1983. (Dkt. 1). On July 28, 2021, defendants Kevin Payne, James Payne, S. Latona, C. Wilson, and James R. Vourtour (collectively “Defendants”) filed a motion for the issuance of a filing injunction to prevent Plaintiffs from filing additional repetitive motions and/or discovery demands. (Dkt. 100). On March 8, 2022, United States Magistrate Judge Marian W. Payson issued a thorough Report and Recommendation, recommending that the Court deny Defendants’ motion for a filing injunction. (Dkt. 119).

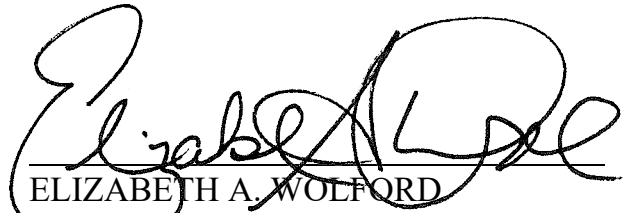
Pursuant to 28 U.S.C. § 636(b)(1), the parties had 14 days to file objections to the Report and Recommendation. No objections were filed. The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure [to timely] object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation, as well as the prior proceedings in the case. The Report and Recommendation concludes that although Plaintiffs have filed several motions, the motions were not vexatious or sufficiently duplicative to warrant the relief sought. Accordingly, the Report and Recommendation recommends that this Court deny Defendants’ motion for a filing injunction. The Court finds no reason to reject or modify Magistrate Judge Payson’s Report and Recommendation. For these reasons, the Report and Recommendation is adopted in full.

### **CONCLUSION**

For the foregoing reasons, the Report and Recommendation (Dkt. 118) recommending denial of Defendants’ motion for a filing injunction (Dkt. 100) is adopted in its entirety.

SO ORDERED.



ELIZABETH A. WOLFORD  
Chief Judge  
United States District Court

Dated: March 24, 2022  
Rochester, New York